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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,253	11/16/2001	Aart Zeger van Halteren	47161-00018USPT	5362
30223	7590	09/28/2004	EXAMINER	
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			NGUYEN, TUAN DUC	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/992,253	<b>Applicant(s)</b> VAN HALTEREN ET AL.	
	<b>Examiner</b> Tuan D. Nguyen	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-8, 11-21 and 24-53 is/are pending in the application.  
     4a) Of the above claim(s) 48-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8, 11-22, and 24-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2-8, 11-17, 20, 21, 22, 24, 25, 27, 30-36, 38-40, and 42-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Pre-Grant Publication US2001/0036289 (Nepomuceno).

Regarding claims 2, 12, 20, 21, 22, 24, 25, 31, 36 and 38,

Nepomuceno discloses an acoustic receiver (figure 3), comprising: means (11) for converting an input audio signal into an acoustic signal; a housing (16) having a plurality of sides that surround said converting means, one of said sides including an output port (36) for broadcasting said acoustic signal; and a jacket (the outer case 16) having at least three sections for engaging at least three of said sides, said three sections being generally flat and lying on respective ones of said sides, thereby enhancing the structural integrity of said acoustic receiver and protecting said housing and said means for converting from damage due to handling, said

jacket having a thickness and a mass adapted to suppress vibrational feedback.

Regarding claims 16, 35 and 42, Nepomuceno discloses an acoustic receiver (figure 3), comprising: means (11) for converting an input audio signal into an acoustic signal; a housing (16) having a plurality of sides that surround said converting means, one of said sides including an output port (36) for broadcasting said acoustic signal; a jacket (the outer case 16) spaced away from said housing; and an acoustic dampening material (52, 70) positioned between said jacket and said housing prior to installation of said acoustic receiver into a hearing aid or a telecommunications system so as to protect said acoustic receiver against damage due to handling thereof during said installation, said jacket having a thickness and a mass adapted to suppress vibrational feedback.

Regarding claims 3-8, 27, 32, 34, 39, 43 and 44, Nepomuceno also discloses different materials for the jacket such as stainless steel, polymer, Kapton, epoxy, resilient material, silicone etc., (page 2 section 0034),

Regarding claims 17, 30, 40 and 45, Nepomuceno also shows the jacket is generally cylindrical in shape (figure 3).

Regarding claims 13-15 and 33, Nepomuceno further discloses wherein said jacket is welded, adhered, or press-fitted onto said housing (page 2 section 0034).

Regarding claim 11, Nepomuceno also discloses wherein said jacket is adapted to shield said converting means from the effects of electromagnetic interference (page 1 section 0008).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18, 19, 26, 28, 29, 37, 41, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pre-Grant Publication US2001/0036289 (Nepomuceno) in view of U.S. patent number 6,456,720 (Brimhall et al).

Regarding claims 26, 28, 29, 37 and 47, Nepomuceno discloses an acoustic receiver (figure 3), comprising: means (11) for converting an input audio signal into an acoustic signal; a housing (16) having a plurality of sides that surround said converting means, one of said sides including an output port (36) for broadcasting said acoustic signal; a jacket (the outer case 16) having sections for engaging said sides, one of said sections and a corresponding side forming a gap (18) therebetween, thereby enhancing the structural integrity of said acoustic receiver and protecting said housing and said means

for converting from damage due to handling, said jacket having a thickness and a mass adapted to suppress vibrational feedback.

Nepomuceno does not disclose a printed circuit board located at least partially within said gap, said printed circuit board including electronics for processing said input audio signal.

However, the printed circuit board is well known, for instance, Brimhall et al discloses a printed circuit board for a hearing aid. Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use the well known printed circuit board by Brimhall et al in Nepomuceno for easily connecting electrical components and assembly.

Regarding claims 18, 19, 41 and 46, Nepomuceno does not disclose a specific shape such as D or trapezium shape.

However, Nepomuceno does not restrict to any specific shapes. Therefore, it would have been obvious to a one ordinary skill in the art at the time of the invention was made to use a different shape for a particular application.

#### ***Election/Restrictions***

5. Newly submitted claims 48-53 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 48-53, directed to a method of manufacturing a transducer, are classified in class 29 subclass 594.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 48-53 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).  
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan D. Nguyen whose telephone number is (703) 305-7168. The examiner can normally be reached on M-F 6:30-3:00.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.
- For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TDN  
9/22/04

  
CURTIS KUNTZ  
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